

Organ Donation Clarification Act of 2020

Congressman Matt Cartwright

Help Save Lives by Increasing the Domestic Supply of Organs for Transplant

Endorsing Organizations: [American Medical Association](#), [Americans for Tax Reform](#), [American Transplant Foundation](#), [Donor to Donor](#), [American Foundation for Donation and Transplantation](#), [Foundation for Kidney Transplant Research](#), [Transplant First Academy](#), [Wait List Zero](#)

The Organ Shortage Costs Lives:

Our nation's transplant shortage is dire. **Twenty-two people die every day** because they could not survive the wait for a viable organ. The wait for a kidney in some areas of the U.S. can last from five to ten years, which is often longer than a patient can survive while waiting. In 2019, out of the 95,000 patients with renal failure on the waiting list, fewer than 7,000 received a kidney transplant from a living donor. We must **increase the supply of organs for transplantation** by removing the barriers that donors face under current law and testing new methods of increasing donation.

Transplants can save Medicare and the Government Billions of Dollars:

Not only can we save lives, but solving the kidney wait list crisis would **save Medicare and the Government Billions of Dollars:**

- The End Stage Renal Disease Program comprises over **seven percent of the Medicare budget**, and average annual Medicare spending for a dialysis patient \$90,000.
- More than seventy-five percent of dialysis patients that are working aged adults (18-54) are unemployed, and often rely on their families or other government programs for support.
- A kidney transplant pays for itself in less than two years, with each transplant saving an average of \$745,000 in medical costs over ten years, 75% of which is savings to taxpayers, in addition to helping return dialysis patients to the workforce and exit other social service programs.
- Experts project that eliminating the waiting list would save taxpayers **well in excess of \$5.5 billion per year** in medical costs and billions of dollars more in savings to other social programs.

Current Law is Unclear and Prevents Potential Donation:

Organ transplantation is governed by the National Organ Transplant Act (NOTA) of 1984. This law prohibits buying or selling organs for "valuable consideration." Confusion about what constitutes valuable consideration has hampered donation by scaring people away from reimbursing living organ donors for things like medical expenses and lost wages. Both are legal under NOTA, but the law's lack of clarity and its criminal penalties have created uncertainty and prevented reimbursements in many cases.

Moreover, current law does not allow for any entity to test the effectiveness of providing non-cash benefits to encourage donation. These benefits could include funeral benefits for deceased donors and health insurance, tuition assistance, or other proposals to increase the number of living donors.

Solution:

The Organ Donor Clarification Act would:

1. Clarify that certain reimbursements are not valuable consideration but are reimbursements for expenses a donor incurs
2. Allow government-run pilot programs to test the effect of providing non-cash benefits to promote organ donation

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